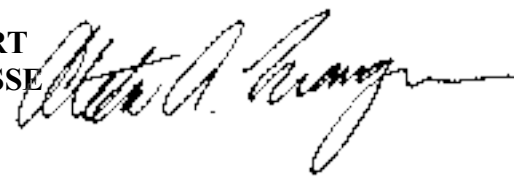


IN THE UNITED STATE DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE



HEATHER MINICK, et al.)	
)	
Plaintiffs,)	Case No. 3:12cv0524
)	
v.)	Judge Trauger
)	
METROPOLITAN GOVERNMENT)	
OF NASHVILLE, DAVIDSON)	
COUNTY, TENNESSEE, et al.)	
)	
Defendants.)	

MOTION TO DISMISS METRO NASHVILLE POLICE DEPARTMENT

The Metro Nashville Police Department (“MNPd” or “Defendant”) moves to dismiss Plaintiffs’ claims against it in this action.

Plaintiffs allege a variety of Constitutional claims against the Metropolitan Government of Nashville and Davidson County (“Metropolitan Government”), several Metropolitan Government employees, and a number of other entities and individuals. Plaintiffs’ Complaint arises from what began as an encounter between MNPd Officer Neil Wolfe and Plaintiff Heather Minick’s husband, Micheal Minick (“Minick”). *See generally* Compl., Doc. 1. Minick was subsequently hospitalized at Metropolitan Nashville General Hospital (“NGH”) and placed in the custody of DCSO, which led to his encounter with four DCSO deputies. *Id.* at ¶ 29. The Complaint alleges a use of force incident occurred while Minick was in the custody of DCSO which resulted in “life ending injuries” for Minick. *Id.* at ¶ 54.

With regard to MNPd, it is not an entity capable of being sued. Accordingly, Plaintiff’s Complaint should be dismissed as to this Defendant.